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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,319	02/20/2004	Duane Jury	165-231T-1	6877
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DWC LAW FIRM, P.S. P.O. BOX 3041 SEATTLE, WA 98114-3041			EXAMINER LARSON, JUSTIN MATTHEW	
			ART UNIT 3782	PAPER NUMBER
			MAIL DATE 01/10/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/783,319

Applicant(s)

JURY, DUANE

Examiner

Justin M. Larson

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) 5, 8-10 and 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 11-13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohout (US 1,132,190 A) in view of Bennett et al. (US 4,260,063 A), Van Iperen (US 4,538,738 A), and DeRisio (US 6,330,949 B1).

Regarding claim 11, Kohout discloses an extendable rack comprising a tubular shaped retainer (15) having a slit (16) extending longitudinally along a length of the retainer, and a slidable member (14) with at least a portion of the slidable member coaxially disposed within the retainer. Kohout fails to disclose the slidable member having a plurality of notched apertures to which a plurality of retaining pieces are attached where the retaining pieces comprise elasticized cords in the configuration of a loop. Instead, Kohout discloses a series of hooks (20) for suspending clothing hangers from the slidable member.

Regarding the apertures, Bennett et al. also discloses a clothing rack with hanging elements secured to a support member (8) and teaches that the support member includes circular apertures with notches (24) through which hanging elements (18/19/20) are attached. Each hanging element consists of a ball (20) to which a clothes hanger is attached. Once the ball portion of the hanging element is inserted into the

circular aperture, the hanging element is free to slide about the support member through a slot extending along the length of the support member, allowing the distance between hanging clothes to be adjusted with ease. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the support member (14) and hanging elements (20) of Kohout with a support member having circular apertures/notches and ball shaped hanging elements like that of Bennett et al., so that a user could easily add and/or remove hanging elements from the support member and easily adjust the distance between clothes being hung from the support member. There is no inventive step in implementing a feature of one clothing rack onto another clothing rack absent a showing of unexpected results.

Regarding the retaining pieces having cords, the hanging elements of Bennett et al. that have been implemented on the rack of Kohout include retaining balls, but do not include cord assemblies. Instead, the retaining balls of the modified Kohout rack are connected directly to specially formed hangers (9, Bennett et al.) via what appears to be a rigid projection (18/19, Bennett et al.). If a user wants to remove the clothes hanger from the modified Kohout rack, they must first remove the hanging element (19/20) from the support member. Van Iperen, on the other hand, also discloses a clothing rack and teaches that a cord assembly (40) can be suspended from a slidable support member (26) and that a clothing hanger (39) can then be attached to the cord assembly. If a user wants to remove the clothes hanger from the rack, they can do so without having to first remove the hanging element (40) from the rack. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the

projections (18/19, Bennet et al.) of the modified Kohout hanging elements with cord assemblies, as taught by Van Iperen, so that a user would be able to quickly and easily remove a clothes hanger from the rack without having to first remove the hanging element that attaches the clothes hanger to the rack. Also, the implementation of cord assemblies on the modified Kohout rack would allow for conventional clothes hangers such as those shown by Van Iperen to be used in conjunction with the rack, rather than requiring the specially formed hangers taught by Bennett et al. There is no inventive step in implementing a feature of one clothing rack onto another clothing rack absent a showing of unexpected results.

Regarding the cords being configured as loops, Van Iperen does not specify the manner in which the cords (40) are attached to the hangers (39). DeRisio, however, also discloses a hanging rack that uses cords, where the cords are configured in loops (99) for hanging objects thereon. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the cords of the modified Kohout rack in loops, as taught by DeRisio, since such loops would allow easy attachment of clothing hangers thereto. There is no inventive step in implementing the cord-attachment means of one rack onto another rack that also uses cords, absent a showing of unexpected results.

Regarding the cords being elasticized, Examiner is of the position that it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the cords of the modified Kohout rack out of an elastic material in order to absorb some of the vibration forces that would be inflicted on the rack during vehicle

movement. It has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Regarding claim 15, the method steps as claimed would be satisfied during the normal operation and use of the modified Kohout rack.

3. Claims 12, 13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied in paragraph 2 above in view of Hakeem (US 5,076,442 A).

The modified Kohout rack includes the claimed features except for a mounting strip for mounting the extendable rack to a surface and a support strip coupled between the mounting strip and the retainer. Instead, Kohout teaches the rack being attached flush against a closet ceiling. Hakeem, however, also discloses a closet ceiling mounted clothing rack and teaches that the rack is secured to the ceiling via a mounting strip (30) and support strip (29). It would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the modified Kohout rack to a ceiling using a mounting strip and support strip, as taught by Hakeem, since such attachment strips are a known means of attaching a clothing rack to a ceiling. There is no inventive step in choosing between known rack-to-ceiling mounting means, absent a showing of unexpected results.

4. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied in paragraph 2 above in view of Leeper (US 2,846,079 A).

Regarding claims 1, 2, 4, and 7, the modified Kohout rack includes the claimed features except for the rack being mounted against a ceiling portion of a vehicle. Leeper, however, teaches that it is old and well known in the art to mount a slidable clothing rack against a ceiling portion of a vehicle as in the case of dry cleaning delivery truck. It would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the modified Kohout clothing rack against the ceiling of a vehicle, as taught by Leeper, in order to allow a user to conveniently transport clothes in a vehicle. There is no inventive step in mounting a known clothing rack to the ceiling of a vehicle when it is known in the art to mount clothing racks within a vehicle, absent a showing of unexpected results.

Regarding claim 3, the slidable member of the modified Kohout rack, when implemented in a vehicle, would be able to project beyond a rear portion of the vehicle when the rack was extended. The member could project out of the vehicle's trunk for assistance in loading the rack with clothes.

### ***Response to Arguments***

5. Applicant's arguments filed 10/16/07 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Thursday, 7am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a




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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JML  
1/6/08

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER